

SECOND REGULAR SESSION

# SENATE BILL NO. 938

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Read 1st time January 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4349S.011

## AN ACT

To amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 227, RSMo, is amended by adding thereto twenty-four  
2 new sections, to be known as sections 227.600, 227.603, 227.606, 227.609, 227.612,  
3 227.615, 227.618, 227.621, 227.624, 227.627, 227.630, 227.633, 227.636, 227.639,  
4 227.642, 227.645, 227.648, 227.651, 227.654, 227.657, 227.660, 227.663, 227.666,  
5 and 227.669, to read as follows:

227.600. 1. Sections 227.600 to 227.669 shall be known and may be  
2 cited as the "Missouri Public-Private Partnerships Transportation Act".

3 2. As used in sections 227.600 to 227.669, unless the context clearly  
4 requires otherwise, the following terms mean:

5 (1) "Commission", the Missouri highways and transportation  
6 commission;

7 (2) "Comprehensive agreement", the final binding written  
8 comprehensive project agreement between a private partner and the  
9 commission required in section 227.621 to finance, develop, and/or  
10 operate the project;

11 (3) "Department", the Missouri department of transportation;

12 (4) "Develop" or "development", to plan, locate, relocate, establish,  
13 acquire, lease, design, or construct;

14 (5) "Finance", to fund the costs, expenses, liabilities, fees, profits,  
15 and all other charges incurred to finance, develop, and/or operate the  
16 project;

17 (6) "Interim agreement", a preliminary binding written agreement

18 between a private partner and the commission that provides for  
19 completion of studies and any other activities to advance the financing,  
20 development, and/or operation of the project required by section 227.618;

21 (7) "Material default", any default by a private partner in the  
22 performance of its duties that jeopardizes adequate service to the public  
23 from the project as determined by the commission;

24 (8) "Operate" or "operation", to improve, maintain, equip, modify,  
25 repair, administer, or collect user fees;

26 (9) "Private partner", any natural person, corporation,  
27 partnership, limited liability company, joint venture, business trust,  
28 nonprofit entity, other business entity, or any combination thereof;

29 (10) "Project", a bridge located across the boundaries of the state  
30 of Missouri and the state of Illinois and partially in a city not within a  
31 county to be financed, developed, and/or operated under agreement  
32 between the commission and a private partner and under an agreement  
33 between the commission and the Illinois department of transportation;

34 (11) "Public use", a finding by the commission that the project to  
35 be financed, developed, and/or operated by a private partner under  
36 sections 227.600 to 227.669 will improve or is needed as a necessary  
37 addition to the state highway system;

38 (12) "Revenues", include but are not limited to the following which  
39 arise out of or in connection with the financing, development, and/or  
40 operation of the project:

41 (a) Income;

42 (b) Earnings;

43 (c) Proceeds;

44 (d) User fees;

45 (e) Lease payments;

46 (f) Allocations;

47 (g) Federal, state, and local moneys; or

48 (h) Private sector moneys, grants, bond proceeds, and/or equity  
49 investments;

50 (13) "State", the state of Missouri;

51 (14) "State highway system", the state system of highways and  
52 bridges planned, located, relocated, established, acquired, constructed,  
53 and maintained by the commission under section 30(b), article IV,  
54 Constitution of Missouri;

55 (15) "User fees", tolls, fees, or other charges authorized to be  
56 imposed by the commission and collected by the private partner for the  
57 use of all or a portion of a project under a comprehensive agreement.

227.603. 1. The general assembly finds that:

2 (1) The present and prospective traffic congestion in the  
3 designated region of the project and the limited availability of state  
4 moneys require such project for the public safety, health, and welfare;  
5 and

6 (2) Sections 227.600 to 227.669 will encourage private sector  
7 innovation and investment in the state to accomplish the project that  
8 would not otherwise be undertaken, thereby serving the public safety,  
9 health, and welfare.

10 2. Sections 227.600 to 227.669 shall be liberally construed to  
11 accomplish the legislative findings and purposes set forth in this section.

227.606. 1. Any potential private partner may submit a request for  
2 approval to the commission to finance, develop, and/or operate a  
3 project. The commission may request such additional information and  
4 material in a form and manner determined by the commission.

5 2. The commission may charge a reasonable fee to cover the costs  
6 of processing, reviewing, and evaluating a request for approval  
7 submitted by a potential private partner.

227.609. 1. The commission shall use a competitive procurement  
2 process to form a public-private partnership under sections 227.600 to  
3 227.669 and may proceed with a project under sections 227.600 to 227.669  
4 only if the commission issues a request for proposals for the financing,  
5 development, and/or operation of the project on the commission's own  
6 initiative or in response to a request for approval submitted by a  
7 potential private partner under section 227.606.

8 2. The commission shall publish a public notice of the  
9 commission's request for proposals, including any deadline for  
10 submission of such proposals. The notice shall be published once a week  
11 for two consecutive weeks in:

12 (1) A newspaper of general circulation in the city where the  
13 proposed project is located;

14 (2) At least one construction industry trade publication that is  
15 nationally distributed; and

16 (3) Such other publications or manner as the commission may

17 **determine.**

18 **3. The material and information required for submission by a**  
19 **potential private partner to be responsive to the commission's request**  
20 **for proposal shall be set forth in the proposal. Notwithstanding the**  
21 **provisions of subsection 2 of section 227.606, the commission shall not**  
22 **charge a processing and review fee.**

**227.612. The commission shall establish a process for the receipt**  
2 **and review of a request for approval or request for proposal. Such**  
3 **process shall, at a minimum, establish a specific schedule for review by**  
4 **the commission of the request for approval and competing proposals, a**  
5 **process for alteration of such schedule by the commission as the**  
6 **commission deems such changes are necessary due to the scope or**  
7 **complexity of proposals received and the type and amount of**  
8 **information necessary for adequate review of proposals in each stage of**  
9 **review.**

**227.615. The commission may by commission minute approve the**  
2 **project if the commission determines the project will improve and is a**  
3 **needed addition to the state highway system.**

**227.618. 1. The commission may by commission minute grant**  
2 **tentative approval of the potential private partner whose request for**  
3 **approval or response to a request for proposal provides the best value**  
4 **to the state for financing, developing, and/or operating the project. The**  
5 **commission shall establish criteria for making a determination**  
6 **including:**

7 **(1) The general reputation, qualifications, industry experience,**  
8 **and financial capacity of the potential private partner;**

9 **(2) The proposed plans for developing and/or operating the**  
10 **project; and**

11 **(3) Other criteria that the commission deems appropriate.**

12 **2. Prior to the granting of tentative approval by the commission**  
13 **for a potential private partner to finance, develop, and/or operate a**  
14 **project, the commission may review and approve by commission minute**  
15 **an interim agreement with the private partner. Such interim agreement**  
16 **shall be in a form prescribed by the commission and:**

17 **(1) May authorize the potential private partner to commence**  
18 **activities for which it may be compensated relating to the proposed**  
19 **project;**

20           **(2) Shall establish the process and timing of the negotiation of the**  
21 **comprehensive agreement between the commission and the private**  
22 **partner; and**

23           **(3) Shall contain any other provisions that the commission and**  
24 **the potential partner deems appropriate.**

**227.621. Prior to granting its final approval of a private partner**  
2 **to finance, develop, and/or operate the project, the commission shall**  
3 **review and approve by commission minute a comprehensive agreement**  
4 **in a form and manner prescribed by the commission that shall, at a**  
5 **minimum, provide for:**

6           **(1) The start date for construction of the project and any other**  
7 **dates the commission deems necessary to develop and/or operate the**  
8 **project;**

9           **(2) Review and approval by the commission of the final plans and**  
10 **specifications for the development and/or operation of the project to**  
11 **ensure that such plans and specifications conform to the standards**  
12 **acceptable to the commission;**

13           **(3) A final financing plan, contingent upon review and approval**  
14 **by the commission; and**

15           **(4) Any other provisions the commission and private partner deem**  
16 **appropriate.**

**227.624. If the commission is not satisfied with the results of**  
2 **negotiations with a potential private partner for an agreement, the**  
3 **commission may terminate negotiations with the potential private**  
4 **partner. The commission may reject any and all requests for approval**  
5 **and responses to a request for proposals.**

**227.627. All information of any kind submitted by a potential**  
2 **private partner to the commission under a request for approval as**  
3 **provided in section 227.606 or under a response to a request for proposal**  
4 **as provided in section 227.609 shall be a closed record under chapter 610,**  
5 **RSMo; provided that, after the private partner and the commission**  
6 **execute the comprehensive agreement information provided by the**  
7 **private partner, the interim agreement and the comprehensive**  
8 **agreement shall be an open record under chapter 610, RSMo.**

**227.630. The private partner shall have the following powers:**

2           **(1) To contract with a federal agency, a state or its agencies and**  
3 **political subdivisions, the commission, a local or regional transportation**

4 authority, a corporation, a partnership, or any person to finance,  
5 develop, and/or operate the project;

6 (2) To lease or acquire any right to use or finance, develop, and/or  
7 operate the project with the length of any term to be established in the  
8 comprehensive agreement;

9 (3) To collect user fees in connection with the use of the project  
10 by the traveling public. The collection and enforcement of such user  
11 fees shall be consistent with sections 227.660 and 227.666;

12 (4) To borrow money for project purposes at such rates or interest  
13 as the private partner may determine; and

14 (5) Any other powers delegated to such private partner in the  
15 comprehensive agreement with the commission.

227.633. 1. The private partner shall, in connection with the  
2 financing, development, and/or operation of the project, provide the  
3 following:

4 (1) Security and warranties in the forms and amounts satisfactory  
5 to the commission;

6 (2) An annual financial statement audited by an independent  
7 certified public accountant approved by the commission and such other  
8 financial reports and information as required by the commission and in  
9 a form acceptable to the commission;

10 (3) A summary of any and all compensation from all sources for  
11 the project to the private partner;

12 (4) Evidence satisfactory to the commission of procurement and  
13 maintenance at the private partner's expense of commercial insurance  
14 for such purposes and in an amount required by the commission,  
15 including but not limited to:

16 (a) Commercial general liability insurance for all damages and  
17 losses imposed by law and assumed under the comprehensive  
18 agreement. Commercial general liability insurance shall be in coverage  
19 and amount consistent with section 227.663 and shall name the state of  
20 Missouri for the benefit of the state legal expense fund, and the  
21 commission and the commission's members, agents, and employee's as  
22 additional insureds. Each commercial general liability insurance policy  
23 and commercial automobile liability insurance policy shall also contain  
24 a separation of insureds conditions; and

25 (b) Workers' compensation insurance or evidence provided by the

26 private partner that the private partner is qualified by the division of  
27 workers' compensation as self-insured and carries insurance for  
28 employer's liability sufficient to comply with all obligations under state  
29 law relating to workers' compensation and employer's liability.

30 2. Notwithstanding the provisions of section 107.170, RSMo, and  
31 section 227.100 to the contrary, a bid bond shall not be required for the  
32 project; except that, the commission may require the private partner to  
33 provide such other bonds in such amounts determined by the  
34 commission to be adequate for the protection of the commission and  
35 provided by a surety or sureties satisfactory to the commission,  
36 including but not limited to:

37 (1) A performance bond;

38 (2) A payment bond for the protection of all persons supplying  
39 labor and material in carrying out the work provided for in the  
40 comprehensive agreement for the project. The amount of the payment  
41 bond shall equal the total amount payable under the terms of the  
42 comprehensive agreement unless the commission determines in writing  
43 supported by specific findings that a payment bond in such amount is  
44 impractical, in which case the commission shall establish the amount of  
45 the payment bond; except that, the amount of the payment bond shall  
46 not be less than the amount of the performance bond.

227.636. The commission may:

2 (1) Delegate any of the commission's powers under sections  
3 227.600 to 227.669 to the department to carry out the purposes of  
4 sections 227.600 to 227.669;

5 (2) Promulgate rules to implement the provisions of sections  
6 227.600 to 227.669. Any rule or portion of a rule, as that term is defined  
7 in section 536.010, RSMo, that is created under the authority delegated  
8 in this section shall become effective only if it complies with and is  
9 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
10 section 536.028, RSMo. This section and chapter 536, RSMo, are  
11 nonseverable and if any of the powers vested with the general assembly  
12 pursuant to chapter 536, RSMo, to review, to delay the effective date, or  
13 to disapprove and annul a rule are subsequently held unconstitutional,  
14 then the grant of rulemaking authority and any rule proposed or  
15 adopted after August 28, 2006, shall be invalid and void; and

16 (3) Make all final decisions concerning the performance and the

17 acceptance of the project work, including claims for additional time and  
18 compensation.

227.639. The commission may impose user fees for the  
2 project. The comprehensive agreement shall provide the rate of such  
3 user fees as may be established by agreement of the commission and the  
4 private partner. Such user fees shall be set in an amount that takes into  
5 account any lease payments, reasonable costs of financing, development,  
6 and/or operation. A rate schedule of the current user fees imposed and  
7 collected for use of the project shall be made available by the private  
8 partner or the commission to any member of the public upon  
9 request. Such fees shall be the same for persons using the project under  
10 similar conditions, except as required by agreement between the  
11 commission and the private partner to preserve capacity and prevent  
12 congestion on the project. The collection and enforcement of such user  
13 fees shall be consistent with sections 227.660 and 227.666. The  
14 commission may authorize the private partner by the comprehensive  
15 agreement to collect and enforce user fees for the project.

227.642. 1. The commission may take any action to obtain federal,  
2 state, or local government or private sector assistance for the project  
3 and may enter into any contracts required for such assistance.

4 2. In the comprehensive agreement, the commission may agree to  
5 loan moneys received from any federal, state, or local government or the  
6 private sector to the private partner for the development and/or  
7 operation of the project from time to time; provided that the commission  
8 shall obtain from the private partner such security for any loan made to  
9 the private partner in any type or amount as the commission deems  
10 necessary.

227.645. 1. Any financing of the project may be in such amounts  
2 and upon such terms and conditions as may be determined by the  
3 commission and the private partner in the interim or comprehensive  
4 agreement. The commission and the private partner may use any and all  
5 revenues that may be available to them and may, to the fullest extent  
6 permitted by applicable law, issue debt, equity, or other securities or  
7 obligations.

8 2. The private partner may issue corporate bonds, private activity  
9 bonds, refunding bonds, notes, and other obligations, and may secure  
10 any of such obligations by mortgage, pledge, or deed of trust of any or

11 all of the property and income of the private partner. The commission  
12 may contract with the private partner to assist in issuing bonds, notes,  
13 and other obligations under this subsection. The private partner shall  
14 not mortgage, pledge, or give a deed of trust on any real property or  
15 interests obtained by eminent domain acquired from the state of  
16 Missouri or any agency or political subdivision of the state. Bonds,  
17 notes, and other obligations issued under this subsection shall  
18 exclusively be the responsibility of the private partner payable solely  
19 out of private partner moneys and property and shall not constitute debt  
20 or liability of the commission, the state of Missouri, or any other agency  
21 or political subdivision of the state. The private partner and the  
22 commission shall not be obligated to pay such bonds, notes, or other  
23 obligations with any moneys other than those specifically pledged to  
24 repayment. Any such bonds, notes, or other obligations issued by the  
25 private partner or the commission shall state on the face that they are  
26 not obligations of the state of Missouri or any agency or political  
27 subdivision of the state. Any private partner bonds issued under this  
28 subsection, the interest thereon, and any proceeds from such bonds shall  
29 be exempt from taxation by the state of Missouri for all purposes except  
30 the state estate tax.

31 3. The private partner may also contract with the commission for  
32 the commission to issue state road bonds for the project and to loan the  
33 proceeds thereof to the private partner.

227.648. The commission may by agreement authorize or require  
2 a private partner to exercise any of the following provisions regarding  
3 procurement for the financing, development, and/or operation of the  
4 project:

5 (1) Use any project delivery method for the efficient development  
6 and/or operation of the project. Such project delivery methods shall  
7 include but are not limited to project delivery methods established in  
8 section 8.282, RSMo, or sections 227.100 and 227.107. In addition, the  
9 limitation in subsection 1 of section 227.107 on the number of design-  
10 build contracts authorized to be let by the commission shall not apply  
11 to the project;

12 (2) Make available to the commission, upon request, all  
13 procurement records for financing, development, and/or operation of the  
14 project;

15           **(3) Exempt the project from the general procurement laws in**  
16 **chapter 34, RSMo.**

**227.651. The private partner shall provide the commission a**  
2 **detailed disadvantaged business enterprise participation plan that**  
3 **conforms to commission reporting requirements for the federal**  
4 **disadvantaged business enterprise program under federal law and**  
5 **regulations on federal-aid highway projects. The plan shall also provide**  
6 **information describing the experience of the private partner in meeting**  
7 **disadvantaged business enterprise participation goals, how the private**  
8 **partner will meet the departments disadvantaged business participation**  
9 **goals, and such other qualifications the commission considers to be in**  
10 **the best interest of the state.**

**227.654. The commission may lease to or for the use of a private**  
2 **partner the project or such right-of-way or other easement in such real**  
3 **estate as the commission deems necessary for the development and/or**  
4 **operation of the project. Such lease by the commission shall be for such**  
5 **value as determined by the commission. No such lease of any real**  
6 **property interest by the commission under this section shall be deemed**  
7 **to amend or modify the public use restrictions acquired by the**  
8 **commission in such real property.**

**227.657. 1. The commission may condemn lands for the project in**  
2 **the name of the state of Missouri.**

3           **2. If condemnation becomes necessary, the commission shall act**  
4 **under chapter 523, RSMo, and may condemn a fee simple or other**  
5 **interest in land. Any amounts to be paid in such condemnation**  
6 **proceeding shall be paid by the private partner under the**  
7 **comprehensive agreement.**

8           **3. The private partner may, after prior notice to the owner to**  
9 **enter upon the private property subject to the taking, survey and**  
10 **determine the most advantageous route and design. The private partner**  
11 **shall be liable for all damages to the property resulting from such**  
12 **inspection.**

**227.660. 1. The private partner may use any method for collecting**  
2 **and enforcing user fees for the use of the project which may include, but**  
3 **are not limited to, toll tickets, barrier toll facilities, billing accounts,**  
4 **commuter passes, and electronic recording or identification**  
5 **devices. The display of a recording or identification device issued or**

6 authorized by the private partner for such purposes on or near the  
7 windshield of a motor vehicle shall not be a violation of any law or rule  
8 in the state of Missouri unless the device is attached in a manner that  
9 obstructs the operator's clear view of the project.

10 2. The private partner operating the project as a toll facility shall  
11 post notice on or around such facility in the plain view of operators of  
12 motor vehicles using such facility which reads as follows:

13 "NOTICE: FAILURE TO PAY THE REQUIRED TOLL IS A TRAFFIC  
14 VIOLATION. TOLL BOOTH OPERATORS WILL REPORT ANY FAILURE  
15 TO PAY REQUIRED TOLLS TO LAW ENFORCEMENT OFFICIALS WHO  
16 WILL ISSUE A TRAFFIC CITATION."

17 3. The owner of a motor vehicle involved in a violation for failure  
18 to pay the required toll is guilty of an infraction and upon conviction  
19 shall be required to pay the amount of the toll that was the subject of  
20 the violation which shall be remitted to the private partner and a fine  
21 in an amount not to exceed two hundred dollars.

22 4. A written report or telephone call from a toll enforcement  
23 officer, law enforcement officer, or photo monitoring system evidence  
24 that indicates a required toll was not paid is admissible in any  
25 proceeding to enforce this section, subject to foundation evidence to  
26 establish the authenticity of the report, call, or photographs. Photo  
27 monitoring system evidence that shows the motor vehicle, whether  
28 operated by the owner or another operator, has failed to pay a toll shall  
29 raise a rebuttable presumption that the motor vehicle shown in the  
30 photographic evidence was used to commit a violation of this section. If  
31 charges are filed against multiple owners of a motor vehicle, only one of  
32 the owners shall be convicted and court costs may be assessed against  
33 only one of the owners. If the motor vehicle involved in the violation is  
34 registered in the name of a rental or leasing company and the vehicle is  
35 rented or leased to another person at the time of the violation, the rental  
36 or leasing company may rebut the presumption by providing law  
37 enforcement or the prosecuting authority with a copy of the rental or  
38 lease agreement in effect at the time of the violation. No prosecuting  
39 authority shall bring any legal proceeding against a rental or leasing  
40 company under this section unless prior written notice of the violation  
41 has been given to such rental or leasing company by registered mail at  
42 the address appearing on the motor vehicle's registration and the rental

43 or leasing company has failed to provide the rental or leasing agreement  
44 copy within fifteen days of receipt of such notice.

45 5. The following procedures shall be taken for the enforcement of  
46 toll collections and issuance of traffic citations under this section:

47 (1) Any toll booth operator witnessing a failure to pay a required  
48 toll in violation of this section shall report such violation to a law  
49 enforcement officer or agency. The report may be in one of the following  
50 forms:

51 (a) A telephone call from a toll enforcement officer to a law  
52 enforcement agency indicating a violation and a reasonable description  
53 of the motor vehicle violating the toll enforcement provisions of this  
54 section, including but not limited to the license plate number, make,  
55 model, and color of the motor vehicle;

56 (b) A certificate or a written report sworn to or affirmed by a toll  
57 enforcement officer, agent, private partner, Missouri state highway  
58 patrol officer, city police officer, or a sheriff's department deputy which  
59 alleges that a violation of this section occurred, or a facsimile thereof,  
60 based upon inspection of photographs, microphotographs, videotape, or  
61 other recorded images produced by a photo monitoring system or a  
62 photograph from a photo monitoring system shall be prima facie  
63 evidence of the facts contained therein, subject to foundation evidence  
64 to establish the authenticity of such photographs, microphotographs,  
65 videotape, or other recorded images produced by a photo monitoring  
66 system, and shall be admissible in any proceeding charging a violation  
67 of the toll collection provisions in this section; provided that, any  
68 photographs, microphotographs, videotape, or other recorded images  
69 evidencing such a violation shall be available for inspection and  
70 admission into evidence in any proceeding to adjudicate the liability for  
71 such violation;

72 (2) After a report has been provided to a Missouri law  
73 enforcement agency, such agency is authorized to issue a traffic citation  
74 for failure to pay the required toll;

75 (3) The law enforcement agency responsible for the issuance of a  
76 traffic citation for failure to pay a toll is responsible for prosecution of  
77 such citation.

78 The provisions of this section shall not prohibit a law enforcement  
79 officer from issuing a citation for a violation of any other traffic laws

80 and regulations on the project.

227.663. 1. As a result of the project being a public use and  
2 serving the public safety, health, and welfare, tort liability caps are  
3 hereby established in this section and made applicable to any private  
4 partner and such private partner's employees, agents, and insureds that  
5 develops and/or operates the project under sections 227.600 to  
6 227.669. Such tort liability caps shall be a per person cap and a per  
7 occurrence cap and shall be in amounts identical to the tort liability  
8 caps established in section 537.610, RSMo, as such caps are annually  
9 amended by the Implicit Price Deflator for Personal Consumption  
10 Expenditures under subsection 5 of section 537.610, RSMo.

11 2. Commercial general liability insurance policy or policies  
12 purchased by the private partner under sections 227.600 to 227.669 shall  
13 not be used to expand the coverage and amount of the tort liability caps  
14 imposed in this section.

227.666. 1. Prior to exercising any of the remedies under this  
2 section, the commission shall provide notice of a material default and  
3 the opportunity to cure the default for the benefit of the private partner  
4 and any persons specified under the comprehensive agreement as  
5 providing financing for the project.

6 2. Upon the occurrence of and during the continuation of any  
7 material default, the commission may exercise any or all of the following  
8 remedies:

9 (1) Make or cause to be made any appropriate claims under the  
10 bonds required in section 227.633;

11 (2) By notice to the private partner by certified mail, terminate  
12 the comprehensive agreement and exercise any other rights and  
13 remedies which may be available to the commission at law or in equity;

14 (3) Condemn under chapter 523, RSMo, any real property interest  
15 of the private partner in the project. Any person who provides financing  
16 for the project, to the extent of such person's capital investment, may  
17 participate in the condemnation proceedings with standing of a property  
18 owner;

19 (4) Collect and enforce user fees for the use of the project under  
20 section 227.660.

227.669. The commission shall submit an annual status report to  
2 the governor and general assembly following execution of the

3 **comprehensive agreement as an individual component of the annual**  
4 **report submitted by the commission to the joint transportation oversight**  
5 **committee in accordance with section 21.795, RSMo. The annual report**  
6 **shall assess the advantages and disadvantages of the public-private**  
7 **partnership method of financing, developing, and/or operating the**  
8 **project.**

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